

REMARKS

In the April 25, 2008 Office Action, the Examiner noted that claims 1 and 6-18 were pending in the Application. Claims 1 and 6-18 have been amended herein. Thus, claims 1 and 6-18 remain pending for consideration, which is respectfully requested. No new matter has been added.

The amendments to claim 1, for example, can be found in the Specification on page 16, line 25 - page 17, line 6; page 12, lines 13-19; page 17, lines 7-16 and page 12, lines 13-19; page 18, lines 6-7; page 18, lines 12-25; page 18, lines 6-7 and 12-25; page 16, lines 21-24; page 19, lines 23-24; page 19 line 25, for example.

Rejections under 35 U.S.C. §112

On page 3, item 7, the Office Action rejected claims 1, 6 and 18 under 35 U.S.C §112, second paragraph, as being indefinite. In particular, the Examiner asserted that the term “based on the address of the receiver” is indefinite in claim 1 for lacking antecedent basis. Claim 1, for example, has been amended herein for clarification purposes such that lines 19-22 now recite “a copy device copying the data based on the data transfer available/unavailable flag stored... [and] a transfer device transferring the copied data to one or more receivers.”

On page 3, item 8, the Office Action asserts that the terms “a command and/or information” and “copy/transfer” are allegedly indefinite in claim 1. Applicants have amended claim 1 herein to recite “command and information” and “copy and transfer” for clarification purposes.

On page 3, item 9, the Office Action asserts that the term “extracting, from a source address of the data...” is indefinite. Claim 1, for example, has been amended herein to clarify “an extracting device extracting, from the source address field of the data, the identifier and the control information including a command and information specifying a relay and copy and transfer of the data received from the sender” (lines 8-10).

In view of the above, Applicants respectfully request the rejections be withdrawn.

Rejections Under 35 U.S.C. §101

On page 4, the Office Action rejected claims 1 and 6-18 under 35 U.S.C §101 as allegedly being directed to software *per se*, and thus, non-statutory. This rejection is respectfully traversed.

Claim 1, for example, clearly recites “a broadcast type communication data recognition **unit** comprising: a receiving **device** ... and an extracting **device**” (emphasis added). Applicants submit that nothing in the Specification limits “units” or “devices” as strictly software modules (see e.g. Figure 8). Accordingly, Applicants submit claims 1 and 8, for example, are directed towards an “apparatus,” and therefore, claims 1 and 6-18 are statutory under 35 U.S.C §101.

Accordingly, Applicants respectfully request the rejection be withdrawn.

Rejections Under 35 U.S.C. § 103

On page 7, the Office Action rejected claims 1, 6, 11 and 15-17 under 35 U.S.C § 103(a) as being unpatentable over Nakamura in view of Begeja, further in view of Nakano, Wingard and Zheng. Applicants respectfully traverse these rejections for the reasons presented below.

On page 7, first bullet point, the Office Action relies on Nakamura paragraph 00074, lines 10-15, as disclosing the feature of “analyzing data receiving (sic), as data received from a sender, segments of broadcast type communication data sent through the network” as previously recited by claim 1.

Claim 1 has been amended herein to further emphasize the feature that “a receiving device receiving, as data received from a sender, segments of broadcast type communication data sent through the network as uni-cast communication, wherein a **source address field** of the data **stores a source address, an identifier and control information**” (lines 4-7, emphasis added). Applicants submit that the cited art does not describe such a feature.

In contrast, Nakano describes the structures of packets and describes that a source address field 3712, 3812 of the packet stores only a source address, respectively (see Column 9 Lines 28-62, Figs. 37-38). However, nothing has been found in Nakano that describes that a source address field 3712, 3812 of the packet *stores* a source address, an identifier and control information. In contrast, as shown above, the “source address field” of claim 1 “stores a source address, an identifier and control information.” Applicants submit that Begeja, Nakano, and Wingard fail to cure the deficiencies of Nakamura described above. Accordingly, claim 1 patentably distinguishes over the cited art for at least the reasons discussed above.

Claim 18 recites “a receiving device receiving, as data received from a sender, segments of broadcast type communication data sent through the network as uni-cast communication, wherein a source address field of the data stores a source address, an identifier and control information” (lines 9-12). Therefore, claim 18 patentably distinguishes over the cited art for at least the reasons discussed above.

The remaining dependent claims inherit the patentable recitations of their respective base claims, and therefore, patentably distinguish over the cited art for the reasons discussed above in addition to the additional features recited therein.

CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

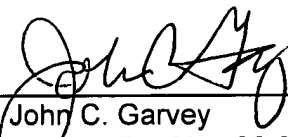
Respectfully submitted,

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10-27-08

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